

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11807-MLW

AT&T WIRELESS SERVICES OF
MASSACHUSETTS, INC., d/b/a AT&T
WIRELESS, and EASTERN TOWERS, LLC,

Plaintiffs

v.

TOWN OF WAYLAND, MASSACHUSETTS,
BOARD OF APPEALS OF THE TOWN OF
WAYLAND and JAMES E. GRUMBACH, ERIC B.
GOLDBERG, STEVEN FUGARAZZO,
LAWRENCE K. GLICK, SUSAN KOFFMAN,
SHAUNT SORIAN, ADIA GENNIS, LINDA
SEGAL, as they are members and alternate members
of the Board,

Defendants

MOTION TO ENLARGE TIME IN
ACCORDANCE WITH ESCROW
AGREEMENT

The parties hereby move that the time for Defendants to respond to the Plaintiffs' "Motion for an Argument on the Merits and Judgment in Their Favor on Count II (Substantial Evidence)" ("Substantial Evidence Motion") and "Motion for Preliminary Injunction" (collectively, "Plaintiffs' Motions") be further enlarged until August 1, 2005, as provided for in the Escrow Agreement executed by the parties through counsel on June 27, 2005.

As grounds for this Motion, the parties rely on the following:

1. This case is an appeal under the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7), from the decision by the Board of Appeals to deny zoning permits for a 120-foot-high telecommunications facility at 137 Boston Post Road, Wayland, Massachusetts.

2. The parties have, through mediation and negotiation, executed an Agreement for Judgment, which includes a proposed form of Judgment.

3. As part of the Agreement for Judgment, the parties have executed an Escrow Agreement, which provides that certain actions are to be taken by the parties prior to the Agreement for Judgment being filed with the Court.

4. Under the Escrow Agreement, those actions are anticipated to occur prior to August 1, 2005.

5. Under the Escrow Agreement, the parties have agreed to file this motion with the Court.

WHEREFORE, the parties request that the time for Defendants to respond to Plaintiffs' Motions be enlarged to August 1, 2005.

DEFENDANTS

By their attorneys,

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PLAINTIFFS

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